

EXHIBIT T

**A DICTIONARY OF
MODERN
LEGAL
USAGE**

SECOND EDITION

Bryan A. Garner

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e.g., the abbreviation for the Latin phrase *exempli gratia* (= for example), introduces representative examples. In AmE, it is preferably followed by a comma (or, depending on the construction, a colon) and unitalicized. In their fine book on admiralty, Grant Gilmore and Charles L. Black (or their publishers) pedantically put a space between the two letters (*e. g.*), sometimes without a comma following. See *The Law of Admiralty* 10 (2d ed. 1975). In BrE, the periods as well as the comma are sometimes omitted—*e.g.*: “The problem with seeking a legislative cure for the ethical disease is that most of the perceived outrages are either already illegal (*eg*, Pentagon officials taking bribes) or beyond the reach of the law (politicians’ sexual adventures).” *Washington on an Ethics Kick*, *Economist*, 28 Jan.–3 Feb. 1989, at 19. To American eyes, *eg* looks like *egg* misspelled.

Using the abbreviation *etc.* after an enumeration following *e.g.* creates a superfluity, since one expects nothing more than a representative sample of possibilities. But *etc.* might be required after *i.e.* (L. *id est* “that is”) to show the incompleteness of the list.

In two editions, *Black’s* (5th & 6th) misused *i.e.* for *e.g.* in its entry for *layman*: “One who is not of a particular profession (*i.e.* non-lawyer).” The abbreviation should be *e.g.*, not *i.e.*, because under the definition a nondactor as well as a nonlawyer would be a *layman*; the parenthetical *nonlawyer* is intended only to provide an example.

One should clearly indicate what the signal refers to: “Out-of-pocket losses include medical expenses, lost earnings, and the cost of any labor required to do things that the plaintiff can no longer do himself (*e.g.*, a housekeeper).” But “things the plaintiff can no longer do himself” are not exemplified by a *housekeeper*. (Or does the writer mean *be a housekeeper*?) In any event, wherever readers encounter an *e.g.* they rightly expect a sampling of appropriate items—not an ambiguous or an all-inclusive listing. In the example given, it might be, *e.g.*, *keep house, drive a car, tend the garden*. See *i.e.*

equality is the anglicized form of the French *égalité* (= equality). The *OED* pronounces it obsolete, and so it should be, in deference to *equality*. *E.g.*, “Is this a sign of greater *equality* [read *equality*], inverted snobbery, or simple confusion?” Robert Harris, *The Way We Were*, *Sunday Times* (Books), 22 July 1990, at 8-1.

egoism; egotism; egocentrism; egocentricity; egomania. *Egoism* is a legitimate philosophical term meaning “a doctrine that self-betterment is the guiding method of existence, or that self-interest is the primary motive in all one’s actions.”

The use of *egoism* in the sense “selfishness” is a SLIPSHOD EXTENSION. *Egotism* = arrogance; an exaggerated sense of self-importance; self-praise. *Egocentrism* and *egocentricity* are synonymous, with perhaps a slight nuance. *Egocentrism* = the quality of being self-centered and selfish; looking only to one’s own feelings and needs. *Egocentricity* = the quality of being egocentric, individualistic, or self-centered. *Egomania* is extreme *egocentrism*.

egregious /i-gree-jas/ formerly meant merely “outstanding,” but has been specialized in a pejorative sense so that it now means “outstandingly bad.”

egress; ingress. *Egress* = the right or liberty of going out. *Ingress* = the right or liberty of going in. The correct prepositions are illustrated here: “The company breached its duty to furnish Rivers with a safe means of *ingress* to and *egress* from the vessel.”

The legal phrase *ingress, egress, and regress* = the right to enter, leave, and reenter. Courts and lawyers have sometimes mistaken the import of these terms. *Black’s* (1st–6th eds.) erroneously defines *ingress, egress, and regress* as “the right (as of a lessee) to enter, go upon [read *leave*], and return from [read *return to*] the lands in question.” The same dictionary states that *egress* is “often used interchangeably with the word *access*,” apparently confusing *egress* with *ingress*.

eight corners. See **four corners of the instrument**.

either. **A. Number of Elements.** Most properly, *either . . . or* can frame only two alternatives, and no more: “He testified that in the last few years terrazzo had been used more extensively in entranceways than *either* marble, tile, cement, or asphalt [omit *either*].” See **CORRELATIVE CONJUNCTIONS (B)**.

B. Singular or Plural. Nouns framed by *either . . . or* take a singular verb when they are both singular, or when only the latter is singular. *E.g.*, “There was no evidence that *either* DeGraft or his corporation *were* [read *was*] under the control of defendants.”

The same principle applies to nouns that should agree in number with the subject: “The situation should not be viewed in terms of whether the Constitution somehow makes a teacher or librarian the proper *selectors* [read *selector*] of a curriculum or books.”/ “If *either* had been a male *they* [read *the couple* or *she*] would have been prohibited from intermarrying.” See **CONCORD & SUBJECT-VERB AGREEMENT (E)**.